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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,404	07/27/2001	Pierre Sauvage	50002136-2	7097

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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/915,404		SAUVAGE, PIERRE	
	Examiner		Art Unit	
	Kenneth Tang		2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 12 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 2/21/06. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Claims 1 and 3-13 are presented for examination.

Allowable Subject Matter

3. Claims 6 and 12 are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, 3-5, 7-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (hereinafter Freeman) (US 6,785,726 B1) in view of Holmes (US 5,790,809).**
2. As to claim 1, Freeman teaches a method for controlling the use of a resource by at least one process in a data processing system with storage facilities that do not rely on the functioning of processes that use the mechanism (*col. 41, lines 32-55, col. 45, lines 9-33*), comprising the steps of :

providing a licence controller (license management subsystem 1110) (*col. 45, line 28*);

communicating an allowed work unit rate (license management subsystem 1110 uses that information, together with the information indicating the total number of available pooled licenses it calculated at initialization to determine if a pooled license is available) (*col. 45, lines 28-32; col. 41, lines 31-35*) for the resource between the at least one process and the licence controller by storing at least one parameter in the storage facilities (*col. 41, lines 32-55, col. 45, lines 9-33*); and, in the at least one process, controlling the use of the resource by the process according to the parameter (*col. 45, lines 28-42*).

Freeman fails to explicitly teach having an inter-process communication mechanism. However, Holmes teaches using an inter-process communication (IPC) with a Queue Monitor that tracks current utilization, resource capacity, and the possibility of processing additional messages so that the capacity of the resource is not exceeded (*col. 9, lines 60-67 through col. 10, lines 1-4, see Fig. 3A*). it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Freeman and Holmes because it would optimize transport mechanisms for messages, which are needed for the resources (*col. 1, lines 17-56 and col. 2, lines 25-32*).

3. As to claim 3, Holmes teaches wherein the step of communicating comprises having a process repeatedly read from its inter-process communication the parameter (*col. 8, lines 28-35, etc.*).

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4. As to claim 4, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Freeman teaches having the licence controller read the actual use of the resource by the process (*col. 41, lines 32-55, col. 45, lines 9-33*).

5. As to claim 5, Freeman teaches wherein the step of controlling comprises, for the process, adapting its operation to the allowed work unit rate for the process (*col. 41, lines 32-55, col. 45, lines 9-33*).

6. As to claim 7, Freeman and Holmes fails to explicitly teach teaches wherein the processing system is a multiprocessing system. However, "Official Notice" is taken that both the concept and advantages of providing that an inter-process communication system being a multiprocessing system is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a multi-processing system to the existing system because an inter-processing communication could not work without a multiprocessing system.

7. As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 1.

8. As to claims 9, 11, and 13, they are rejected for the same reasons as stated in the rejection of claims 1, 3, and 7.

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9. As to claim 10, it is rejected for the same reasons as stated in the rejection of claim 8. In addition, Freeman (*col. 1, lines 24-40, col. 6, lines 17-67, etc.*) in view of Holmes (*col. 9, lines 60-67 through col. 10, lines 1-4, see Fig. 3A*) teaches dynamically controlling resources with inter-process communication.


Response to Arguments

10. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


SUPERVISORY PATENT EXAMINER
TECHNOLOGICAL CENTER 2100

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kt

5/30/06